

The Promise Scotland's response to the Education, Children and Young People Committee's call for views on the Restraint and Seclusion in Schools (Scotland) Bill

July 2025

"Scotland must strive to become a nation that does not restrain its children."

The promise, Page 85

A note on terminology

This response mirrors the terminology used by the Independent Care Review. Wherever possible, 'system language' has been avoided, but on occasion it has been used in line with current and existing legislation for the purpose of clarity.

The term 'children' is used to mean those under the age of 18, in line with the UNCRC, and 'young people' aged up to 26, in line with corporate parenting.

Background

[The Promise Scotland](#) is the organisation set up to support Scotland in its delivery of the implementation of the findings of the [Independent Care Review](#).

The Independent Care Review resulted in a promise that by 2030 Scotland's care experienced children and young people grow up feeling loved, safe, and respected. This response to the Education, Children and Young People Committee's call for views on the Restraint and Seclusion in Schools (Scotland) Bill outlines what needs to be in place to keep the promise in relation to restraint and seclusion, as set out by the Independent Care Review. This relates directly to the milestones included in the [route map for 'rights' which includes 'restraint'](#), set out in Plan 24-30, Scotland's plan for keeping the promise. The Promise Scotland is working alongside organisations to finalise the milestones of the route map for restraint and the passage and implementation of this Bill is a core part of progressing this crucial part of Plan 24-30.

Our response shares evidence heard by the Independent Care Review about care experienced children and adults' views of restraint. As a result of the courage and bravery of those who shared their stories and experiences, the Independent Care Review concluded that Scotland must become a nation that does not restrain its children and identified a number of actions that must happen in order for this to be realised in practice.

Alongside the Children and Young People's Commissioner Scotland, the Mental Welfare Commission for Scottish, the Scottish Human Rights Commission and the Equality and Human Rights Commission, our view is that in order to uphold children's rights in line with the United Nations Convention on the Rights of the Child, and to keep the promise, **there must be a statutory framework on restraint and seclusion in Scotland**.¹ We consider that this will need to include as a minimum; early years, education, residential and secure care, health and mental health settings, as well as prisons and custody environments.

This Bill represents a significant step forward in putting this in place—but as our response makes clear, **it must not be the only step**. This Bill must be part of a broader framework of statute to ensure that the law around restraint and seclusion is robust, and children's rights are respected and upheld in all settings, not just in school. All settings where children spend time must be subject to the same definitions, statutory guidance, and reporting requirements, not just education.

We therefore urge MSPs to support the general principles of this Bill and to seek assurance that further steps will be taken by the Scottish Government to take a similar approach for other settings including in care, health, and justice settings. We have identified areas where the Bill must be strengthened further in order to ensure that the promise is kept and children and adults' right to be safe are realised.

We are grateful to those children, young people and adults and members of the workforce who have shared their stories and experiences in order to ensure change. We welcome the work of Daniel Johnson MSP and the tireless campaigning by experts such as Beth Morrison who have driven forward the work around restraint and seclusion to meet the commitment to ensure that children, young people and adults are safe, loved and respected wherever they are.

Our response should be read in the context of the seven reports produced by the Independent Care Review, specifically [the promise](#), and the route map for restraint set out in [Plan 24-30](#).²

¹ <https://www.scottishhumanrights.com/media/2587/joint-letter-to-cabinet-secretaries-and-ministers-on-restraint-and-seclusion.pdf>; <https://www.cypcs.org.uk/resources/joint-letter-statutory-framework-on-restraint-and-seclusion/>

² Plan 24-30 is Scotland's plan, setting out where Scotland must be by 2030 to keep the promise and provides initial routemaps outlining specific steps to get there and support young people moving on from care. These routemaps will be developed collaboratively with the care community and the people and organisations working alongside them and will continue to evolve.

Key messages

- The Independent Care Review concluded that **Scotland must strive to become a nation that does not restrain its children** and as a result changes must take place to support the workforce and ensure that restraint is consistently and clearly defined and instances of restraint are properly recorded and monitored. This is not only a moral imperative but a legal and human rights obligation that must be met following Scotland's incorporation of the United Nations Convention on the Rights of the Child.
- The Promise Scotland strongly supports the key principles of the Restraint and Seclusion (Scotland) Bill, which aligns with the recommendations in the Independent Care Review and will ensure Scotland moves closer towards keeping its promise.
- Our response suggests a number of areas which would strengthen the Bill further:
 - A strong preventative focus and cultural change.
 - Support for the workforce with supervision, reflective practice, and wellbeing supports.
 - Coherence and alignment of rights-based definitions and guidance across all settings of care.
 - Embedding of mandatory, trauma-informed and rights-based training.
 - Centralised, transparent data collection.
- All settings where children spend time must be subject to the same definitions, statutory guidance, and reporting requirements, not just education. The implementation of this Bill must therefore align with a broader piece of work to develop a statutory framework around restraint in all settings for children and young people. There must be work to establish a clear and universal definition of 'restraint' and 'seclusion' and centralised mechanisms for training, monitoring and recording so that the promise can be kept. Training must focus on de-escalation and practice that focuses on keeping people safe.
- If the same statutory obligations with regards to reporting and recording do not apply to all settings, Scotland will not be able to understand the shifts in practice needed to support the changes required to become a nation that does not restrain its children.
- The Bill must be amended to ensure that parents and carers are notified of instances of restraint and seclusion immediately and to ensure the views

and experiences of children and young people are sought in the development of guidance.

- Clear preventative factors must be built into practice around behaviours that are challenging and there must be more attention paid to the infrastructure and support for the workforce, this includes better supporting children who are neurodiverse and have additional support needs.

Q1. Do you agree with the Bill's approach and why?

Yes.

The Independent Care Review heard from care experienced children and young adults that restraint was frightening, painful and embarrassing, and that they were often restrained in times of distress. Many children and adults felt that members of the workforce who delivered restraint presented as either stressed or angry. Those with experience of care also spoke of the trauma of, at times, seeing children being restrained in emotional circumstances repeatedly.

The Independent Care Review heard of restraint being used not to keep children safe but as a punishment for perceived wrongdoing.

As a result of this testimony, the Independent Care Review concluded restraint does not work for anyone. Pain compliance techniques have no place in a Scotland that aims to ensure its children feel loved.

Restraint must only be used when it is the only option to ensure children's safety. [Plan 24-30](#) is clear that this means (Page numbers refer directly to the promise) that by 2030:

- Scotland will have reflected on the impact of the equal protection legislation to ensure that all children, wherever they live, are protected from all forms of violence (Pg 86).
- Scotland will have created environments in which actively reducing the likelihood of restraint is as important as responding appropriately to individual children in crisis. Settings of care will have established a leadership culture that upholds children's rights and applies the values of care, attachment, attunement and co-regulation in day to day life. The workforce will be nurtured and supported, recognising that children may exhibit challenging behaviours that may at times make them feel scared (Pg 85).
- All restraints and use of seclusion will be recorded and reported so Scotland understands its use and monitor progress towards its cessation. Reports will reflect what children and the workforce say about their experience of restraint

and prioritise a full understanding of the impact of restraint not only on just one child but on others living and working in a location where restraint takes place (Pg 86).

- In those cases where restraint has taken place a model will be followed which focuses on co-regulation, so that the workforce reflects on their responses. The right of children to be protected from violence will be the primary consideration (Pg 86).

When the Independent Care Review published its conclusions in February 2020 and the promise was made it received cross party support. Political parties from across the spectrum agreed that Scotland must strive to become a nation that does not restrain its children. This Bill marks a significant step forward in ensuring that this becomes a reality. We strongly agree with the core principles, in particular the need for statutory guidance, consistent reporting and recording and a national training framework. **We encourage all political parties to support the Bill at Stage 1 and beyond, in line with their broader commitment to keeping the promise by 2030.**

This Bill must be part of the route map to keep the promise around restraint (set out on the Plan 24-30). It must also not stand alone creating inequities and confusion about what is and is not acceptable and must not be recorded depending on what setting children are in. Children, young people and members of the workforce must be clear on what their rights and duties are around restraint and seclusion and there must be no confusion due to there being different definitions or different reporting requirements in different settings of care.

The Promise Scotland, the Children and Young People's Commissioner Scotland, the Mental Welfare Commission for Scottish, the Scottish Human Rights Commission and the Equality and Human Rights Commission have been working jointly for a number of years to ensure that there is a statutory framework on restraint and seclusion in Scotland as part of the work to keep the promise. This Bill must therefore be part of a broader framework of statute to ensure that the law around restraint and seclusion is robust and children's rights are respected and upheld in all settings, not just in school. There must no longer be different definitions in different settings of care—which makes recording and monitoring challenging in addition to being confusing for children, families and members of the workforce. We have shared further information about our views on this, and our correspondence with Scottish Government in our response to Q.5 below.

We strongly support the general principles of the Restraint and Seclusion in Schools (Scotland) Bill. This legislation has the potential to catalyse a transformative shift in how children in Scotland are supported, protected and

respected in education. Our response indicates area which would strengthen the Bill further in order to better uphold children's rights and keep the promise:

- A strong preventative focus and cultural change.
- Support for the workforce with supervision, reflective practice, and wellbeing supports.
- Coherence and alignment of rights-based definitions and guidance across all settings of care.
- Embedding of mandatory, trauma-informed and rights-based training.
- Centralised, transparent data collection.

Q2. Do you think this timescale for informing parents is reasonable?

No.

Twenty four hours is too long a window for parents and carers to be notified of instances of restraint and seclusion. Parents and carers must be notified as soon as possible when incidents of restraint have taken place and this must be part of a wider requirement to record, report and monitor.

For education settings, this must be by the end of the school day. This is an essential part of developing the relationship between home and school and in upholding principles of transparency and developing trust. Parents and carers must be made aware of potential injuries and impacts, including reasons that children may appear withdrawn or come home with changed behaviour.

When children fall over or are physically injured at school parents and carers are notified immediately, and at the very latest at the end of the school day. This must be no different.

It is also important for parents and carers to be involved in ongoing discussions about how to manage distressed behaviour going forward.

There may be a need, in rare and exceptional circumstances, to delay informing parents or carers—particularly if doing so would not be in the best interests of the child or could place the child at risk of harm. However, such exceptions must be guided by existing child protection frameworks, subject to multi-agency decision-making, where appropriate, and must be clearly recorded and justified.

Importantly, exceptions must never be used to avoid professional scrutiny or to protect settings or individuals from accountability. Transparency with parents, carers and families is essential to upholding children's rights, supporting recovery, and building trust. Immediate notification must remain the default, with any deviation treated as an exception requiring a clearly defined rationale.

Q3. Do you agree this information should be recorded, collated and reported to Parliament annually?

Yes.

The promise is clear that Scotland must ensure that whilst working towards change, all restraints and use of seclusion must be recorded and reported on so that Scotland can understand its use and monitor progress towards its cessation. (Pg 87). As Scotland strives to become a nation that no longer restrains its children, clear and transparent reporting and monitoring mechanisms across all settings of care will be vital so that Scotland is able to understand progress and challenges—and provide additional resources and support where appropriate.

We are therefore supportive of the provisions in this Bill relating to recording and monitoring of restraint and seclusion in education settings. Disaggregated data by school and local authority must also be published to ensure local accountability and transparency.

As part of a statutory framework around restraint and seclusion we believe that there must be clear reporting and monitoring requirements across all settings which are consistent with the provisions of the Equality Act 2010. In our view, Scotland will not be able to meet the ambitions of the promise in relation to restraint without a centralised national collection and monitoring of data on restraint and seclusion across all settings. The disconnect across sectors, areas, and professions in terms of working to understand, regulate and reduce the reliance on physical restraint and other restrictive practices, in order to become a nation that does not restrain its children is severely limited by siloed working.

The [Mental Health Law Review](#), published in 2022, has called for a “*national register of restraint to be set up and maintained by a central public authority which is capable of hosting the exchange of data between multiple public authorities, and which is capable of reporting publicly on trends in data from all of those authorities*” (recommendation 9.12).

There must be a clear, coordinated national picture and avoid fragmented oversight. This must include data monitoring to generate learning and action. The introduction of a legal requirement to record and monitor instances of restraint and seclusion is in clear alignment with the United Nations Convention on the Rights of the Child and the UN Committee on the Rights of the Child’s most recent Concluding Observations which called on the Scottish Government to “*develop statutory guidance on the use of restraint on children to ensure it is used only as a measure of last resort and exclusively to prevent harm to the child or others, and monitor its implementation.*”

Q4. What do you think about maintaining a list of training providers on the use of restraint and seclusion in schools?

The promise is clear that in order to reduce restraint, Scotland must ensure that the workforce is nurtured and supported, recognising that children may exhibit challenging behaviours that may at times make them feel scared (Pg 85).

We are supportive of s.5 of the Bill, which requires Scottish Ministers to maintain a list of persons who provide training on the use of restraint and seclusion in schools, along with details of courses or programmes of such training. All members of the education workforce must have access to regular, high-quality supervision, debriefs and reflective practice; and trauma informed practice that includes de-escalation.

In our view, this is an area where the Bill could be stronger—providing additional clarity as to the training, learning and development and support and supervision requirements for members of the workforce involved in instances of restraint and seclusion.

The following consideration must be given to approving training providers to ensure appropriate safeguards are in place for children and young people and there is clear alignment with the United Nations Convention on the Rights of the Child and the conclusions of the Independent Care Review:

- Approved training providers must be able to demonstrate a rights-based and trauma-informed approach to restraint reduction and demonstrate that clear acknowledgement and understanding of Scotland's aim and ambition to use restraint only as a last resort to keep children safe.
- Restraint techniques must be a part of a wider suite of relational and preventative trauma-informed approaches.
- Clear preventative factors must be built into practice around behaviours that are challenging and there must be more attention paid to the infrastructure and support for the workforce, this includes better supporting children who are neurodiverse and have additional support needs.
- Alignment with the Independent Care Review's conclusions on profit and in particular avoiding the monetisation and preventing the marketisation of care (Pg 111 of [the promise](#)).
- Training must include reflective supervision, co-regulation, and de-escalation. It must be ongoing, reviewed regularly, and embedded within a wider culture of care and wellbeing.

- There must be appropriate scrutiny around training that ensures there is a clear record of training around restraint and de-escalation for those working alongside children and young people.
- Training, support and supervision for the workforce must include a better understanding of and sensitivity to cultural diversity and ethnicity and in particular where English is not spoken as the first language.

As we have stated in our response to other questions, it is our view that the statutory framework and requirements around restraint and seclusion, including with respect to training and support, should apply more broadly than just to education settings. We would therefore welcome clarity from the Scottish Government as to how they will ensure that this training list and any statutory requirements around education settings can apply to other care settings so that all those working alongside children and young people are able to access the same, high quality training and support.

Q5. Any other comments?

We are supportive of the Bill's approach to ensure statutory guidance. As part of the development of this, children and young people are not listed as people whose views and experiences must be sought. We would strongly encourage an amendment at Stage 2 to address this.

We also note that the Bill refers to the term 'parent' insofar as it applies to s.1(3) of the Children (Scotland) Act 1995, which refers to people with parental rights and responsibilities. We would ask to ensure that there is also consideration of ensuring that there is provision to appropriately inform people who might be caring for children, such as kinship and foster carers, who may not have formal parental rights and responsibilities. It is also important to consider the rights of children who have no contact with their family, but who may retain parental rights and responsibilities and how information about restraint and conclusion can be appropriately and safely shared in the child's best interests.

We share the Children and Young People's Commissioner for Scotland's concerns about the definition of 'child' and 'young people' within the Bill and ask the Committee to progress amendments to ensure that the definitions in this regard are consistent and compliant with the United Nations Convention on the Rights of the Child.

Efforts to reduce the use of restraint and seclusion in Scotland do not rest solely within education and must not be treated as such. There must be a coordinated and concerted effort across all care settings to ensure alignment and cohesion to avoid confusion amongst children, families and members of the workforce. As

this Bill progresses and statutory duties and guidance are progressed in education settings, work to ensure alignment in both statute and policy and practice must progress at speed in other areas. It is not acceptable for there to be different definitions of restraint that apply in different places where children and young people live their lives.

Currently there are different sets of definitions in operation in services which all support children the same children and young people - who should expect the same rights-respecting approach regardless of whether they are in school, in the place they live, or accessing medical care - across Scotland.

Any steps taken in education settings will have an impact on residential school settings where there are current regulatory requirements and guidance in relation to definitions and recording and reporting procedures. A lack of alignment will have implications to both settings and will limit purpose, function and reliability.

Children must not face different standards depending on whether they are in school, residential care, hospital, or elsewhere. It can be confusing and traumatising when children are experiencing the use of restraint inconsistently. Definitions, guidance, and reporting obligations must be aligned across sectors. As the Bill progresses, the Scottish Government must set out a plan for how this alignment will take place.

This work must include a focus on culture and values and ensuring that there is explicit and clear recognition across all settings of care that Scotland's ambition is to be a nation that does not restrain its children. In order to achieve this, attention must be paid to ensure that the workforce is fully supported and that leadership teams across all settings of care embrace and exemplify the approach.

Support for the workforce includes addressing, and not ignoring, some of the systemic barriers faced by education settings and other settings of care that prevent relational and trauma-informed practice and mean children's rights are not being upheld. This includes ensuring that appropriate training, support and supervision is available for teachers and other members of the workforce and that core issues such as earlier access to support for children and families with neuro-diversities are addressed.

Scotland can and must become a nation that does not restrain its children. This Bill is a vital part of that journey.

For further information about our response please get in touch with our Policy Lead, Chloe Riddell, at chloe@thepromise.scot.